

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
AUGUST 14, 2014  
TOWN HALL  
6:30 p.m.**

**CALL TO ORDER:** Mayor Steven Burg called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR	STEVEN BURG	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	PATRICIA FRANTZ	ABSENT/EXCUSED
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	DEBORAH A. NORKAVAGE	PRESENT
Town Solicitor, Edward McNally – Absent		
Town Manager, John Giles – Present		
Chief of Police, Laura Giles – Present		

**PUBLIC COMMENT:**

Mr. Chris Hagan, 29 Beech Avenue, stated that he is having issues with vehicles speeding on Beech Ave as well as running the stop signs. He would like something done to correct the situation in the interest of public safety.

Chief Laura Giles stated that there will be officers patrolling the area, but if he continues to see the problem he will need to call to report the problem so that there's a record of the issue.

Councilwoman Personi asked whether or not a traffic survey would determine how much traffic is traveling through the area.

Councilwoman Norkavage made a suggestion to put the speed trailer on Beech Ave.

Chief Laura Giles stated that she will have the speed trailer placed on the street. She also stated that she will give her business card to Mr. Hagan and if he has any problems to call her directly.

Ms. Janet Wilson, 1320 Cypress Ave, she stated that she also has complaints about vehicles speeding on Cypress Ave.

## **APPROVAL OF MINUTES:**

### Minutes of the June 12, 2014 Executive Session.

**ACTION:** A motion was made by Councilwoman Norkavage to approve the minutes of the June 12, 2014 Executive Session with no corrections. The motion was seconded by Councilman Jaremchuk.

**VOTE:** 5-0 with 1 Absent and 1 Abstained Motion carried

1<sup>st</sup> District – yes, 2<sup>nd</sup> District – absent, 3<sup>rd</sup> District – yes, 4<sup>th</sup> District – yes, 5<sup>th</sup> District – abstained, 6<sup>th</sup> District – yes, Mayor – yes.

Councilwoman Personti stated that she was abstaining because she was not at the meeting.

### Minutes of the July 10, 2014 meeting of the Mayor and Council.

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the July 10, 2014 Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:** 6-0 with 1 Absent All-in-favor Motion carried

## **OLD BUSINESS:**

### Consideration for Third and Final reading as well as Public Hearing of Ordinance 581.

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 581 for Third and Final Reading. The motion was seconded by Councilwoman Personti.

**VOTE:** 6-0 with 1 Absent All-in-favor Motion carried

## **NEW BUSINESS:**

### Consideration of a request from the residents of Parklynn Apartments to conduct a “Neighborhood Block Party”.

Mr. Mark Dziegielewski, 4 Parklynn Court, presented the application.

Councilwoman Norkavage stated that it’s great to have a community event; however, she has a concern about parking and residents trying to travel in and out of the court.

Mr. Dziegielewski stated that the court will be blocked off during the event, not the straight street, but the circle of the court. There will also be parking available at his place of business (Doc’s Vacuum), as long as there is no event at the firehouse.

Councilwoman Norkavage questioned how they planned to stop non-residents from attending, since the event was being held outdoors.

Mr. Dziegielewski stated that they have purchased arm bands for the residents of Parklynn to wear to show they are permitted to be there. If they do not have an arm band on, they will be politely asked to leave the event.

Councilwoman Norkavage asked if the security guards that will be on site are licensed.

Mr. Dziegielewski stated that there will be 2 security guards at the event one of which is licensed the other he was not sure of.

Councilwoman Norkavage asked if they have had any conversations with Chief Laura Giles in case of any unforeseen circumstances.

Mr. Dziegielewski stated that he has not spoken with Chief Laura Giles.

Chief Laura Giles stated that she has not spoken with Mr. Dziegielewski, but she did make a phone call to Parklynn to make sure they were aware of the event. She stated that they were very supportive. The officers are aware of the event and are not anticipating any issues.

Councilwoman Personti stated that she wanted to confirm that the area would be blocked off to deter non-residents from being able to just walk into the event. She stated that she feels that this is a wonderful event for the community of Parklynn.

Councilwoman Norkavage also asked if this event was extended to anyone within Parklynn Apartments no matter where their building was.

Mr. Dziegielewski stated that this event was for any resident within Parklynn.

**ACTION:** A motion was made by Councilwoman Personti to approve the “Neighborhood Block Party” and to also refund the \$100.00 permit fee, to be used to towards the items needed for the party. The motion was seconded by Mayor Burg.

Prior to the vote there were questions on the motion concerning the refund and after a short discussion the vote was taken.

**VOTE:**                      6-0 with 1 Absent                      All-in-favor                      Motion carried

Town Manager John Giles stated that the Finance Director Joseph Schulcz will reimburse Mr. Dziegielewski in petty cash from the Finance Department.

Consideration for First and Second Reading of Ordinance 582.

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 582 for First and Second Reading. The motion was seconded by Councilman Kacperski.

**VOTE:**                      6-0 with 1 Absent                      All-in-favor                      Motion carried

Consideration for First and Second Reading of Ordinance 583.

**ACTION:** A motion was made by Councilman McKewen to consider Ordinance 583 for First and Second Reading. The motion was seconded by Mayor Burg.

**VOTE:**           6-0 with 1 Absent                   All-in-favor                   Motion carried

Consideration for First and Second Reading of Ordinance 584.

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 584 for First and Second Reading. The motion was seconded by Councilwoman Personti.

**VOTE:**           6-0 with 1 Absent                   All-in-favor                   Motion carried

Councilwoman Norkavage had some concerns regarding the vagueness of the ordinance and having to put the Town Manager on the spot to make that decision on vague situations.

At this time there was a lengthy discussion regarding the wording of the ordinance and the fact that it follows directly with the state law.

Discussion by the Mayor and Council concerning the unused space at the Town Hall.

Town Manager John Giles stated that there are now four rooms available to renovate now that the Recreation Center is no longer in business. He suggested that the two rooms that conjoin in the middle to make one large room would be great for a Council Chambers. This would allow us to hold larger meetings without needing to relocate to the firehouse. He also stated that the former recreation office would be an ideal room for a Council Office as well as an area to hold executive sessions. The room next to the Police Department could house all of Code Department's records as well as serving as a storage area.

Councilman McKewen asked what the intentions were with the current Council Chambers if it was decided to move the Chambers to the larger room.

Town Manager John Giles stated that he would like to keep it the way it is set up and be able to offer the space for rent for business meetings such as the Garden Society, CAL, or the different public groups that are looking for meeting space. He also stated that it was going to cost money and time, but he feels that the rooms are in need of renovations.

**ACTION:** A motion was made by Councilman Jaremchuk to allow changes to those unused rooms in Town Hall previously occupied by the Recreation Center to be renovated per Town Manager John Giles' plan. The motion was seconded by Councilwoman Norkavage.

**VOTE:**           6-0 with 1 Absent                   All-in-favor                   Motion carried

At this time Mayor Burg brought up an application which was submitted after the Council Agenda. An application requesting a Special Event/Block Party at 922 New Rd.

Town Manager John Giles stated it was not on the agenda because it had been submitted that this afternoon. It normally would not have been discussed the same day, but the date of the event takes place prior to the next Council Meeting. The date of the event requested is August 29, 2014. Therefore, this meets the requirements of Freedom of Information Act (FOIA). He stated that he gave the application to Chief Laura Giles for review and presented it for discussion tonight.

Councilman Jaremchuk questioned whether Chief Laura Giles had any objections to the application.

Chief Laura Giles stated she does not have any objections this event. She stated that she spoke with the assistant at Billion Law concerning the application. They are inviting up to 75 clients and expect maybe 35-40 clients to attend. The event will be for 2 hours. There will be no alcohol. They are going to block off the parking lot and serve lunch. She asked about parking and advised them that they need to call All Saints Catholic School. She was advised that All Saints School had given them permission for the use of the parking lot.

**ACTION:** A motion was made by Councilman Kacperski to approve the application submitted by Billion Law at 922 New Rd for the special event. The motion was seconded by Mayor Burg.

**VOTE:**           6-0 with 1 Absent                           Motion carried

Mayor Burg requested that an Ordinance be drafted allowing the Town Manager to approve special event applications. The ordinance should also require the Town Manager to notify the Councilperson for the district in which the application was made as well as the Mayor when an application is filed.

Chief Laura Giles made Council aware that the air conditioning units in the Police Department are not working. She stated she got a quote from Sobieski for \$11,000.00 to replace the whole unit. She suggested that they work through the last month of summer and put out bids for the replacement of the unit.

It was the consensus of Council that the Chief solicit bids. Chief Laura Giles asked the Town Manager to start the RFP process.

## **DEPARTMENTAL REPORTS:**

### Code Enforcement

Town Manager John Giles presented the written report. He also stated that Code Enforcement Officer Anthony Facciolo is in training this week and will be tested on Friday August 15, 2014. If he passes he will be a certified Floodplain Manager. Our existing Ordinance meets about half of the requirements of FEMA's model ordinance therefore; the Town is going to have to amend its current Floodplain Ordinance.

Councilwoman Norkavage asked if there had been a resolution to the concerns with the house at 403 New Rd. regarding the complaints concerning the exterior of the property and the rodents.

Town Manager John Giles stated that he will need to follow up with the part-time Code Officer to make sure the proper steps have been taken and that this has been completed.

Councilwoman Norkavage asked that Town Manager John Giles give her an update after his discussion with the Code Enforcement Officer so that she can update the residents in that area.

#### Finance

Town Manager John Giles presented the written report.

#### Public Safety

Chief Laura Giles presented her written report. In addition to that report she made the Mayor and Council aware of the following.

1. The Department has received a grant from the Office of Highway Safety for \$2,400.00 to purchase new speed equipment. She stated that she purchased a new lidar, the cost of that was \$2,395.00 which will be reimbursed.
2. The two Crown Victoria's, a 2005 and a 2007 from New Castle County, came with lights, sirens and computer stands. She stated that she put her old radio in one of the vehicles and that she is requesting funding from the Combat Violent Crimes Fund to purchase a radio for the other vehicle so they will be fully operational.
3. She applied for a grant from the Division of Alcohol and Tobacco Enforcement for \$12,000.00 for the enforcement of underage consumption and sales laws.
4. She had spoken with Council individually concerning the old vehicle 35-7. With the County giving the department two vehicles, the department is now over its approved number of vehicles. She has decided that she will be keeping the old vehicle 35-7.
5. She asked to be excused from September's Council Meeting so that she could attend a breast cancer awareness 5K. She stated that she will be sending the Lieutenant to the meeting in her place.

#### Public Works

Town Manager John Giles presented the written report.

## Town Manager

Town Manager John Giles presented his written report. In addition to that report he made the Mayor and Council aware of the following.

1. This will be Administrative Assistant Diana Reed's last Council Meeting until December since she will be going out on maternity leave.
2. The elevator has been having issues for the past 6 months. Water has caused damage to the hydraulic pump which has caused it to rust and leak hydraulic fluid. The packing in the pump now needs to be replaced. Because the hydraulic fluid being a hazardous material, Delaware Elevator will not replace the packing until the pit is cleaned by an environmental company. The total cost of the clean-up and repair is \$6,150.00.

Councilwoman Norkavage asked that the Senior Center be notified of the dates that the elevator will be out of order.

3. We now own the Recreation Van. It has been detailed and minor repairs have been made a totaling of \$762.00. We have created new line items to charge the expenses for the vehicle to. They are sub-categories in the Administration Departments' vehicle services line item. He also stated that he would like to look into getting the van repainted and putting the Town Seal on it.
4. The new Public Works employee Joshua MacMicking will be taking advantage of the Town's Pension Plan. He will now be a member of the Pension Committee, replacing Ms. Elaine Negley.

He stated that he spoke to Mr. Richard Moore, and that Mr. Moore advised him that he would not be able to attend any meetings for the foreseeable future. He asked the Mayor and Council to appoint Ms. Elaine Negley as the Council's appointee to the Pension Committee in place of Mr. Moore.

**ACTION:** A motion was made by Councilman Jaremchuk to appoint Ms. Elaine Negley to the Pension Committee as the Council's appointee. The motion was seconded by Councilwoman Personti.

**VOTE:**            6-0 with 1 Absent                            Motion carried

5. After speaking with most of the Council Members regarding medical insurance and the stipend that the Town offers when an employee elects not to take the medical benefits offered by the Town. Chief Laura Giles will now be receiving the stipend.
6. The CSX Railroad has now produced an agreement stating that if there were ever any improvements made to the portion of Fairgrounds Park which abuts the railroad, the Town would install and maintain a fence at the sole cost of the Town. The estimated cost to install this fence is approximately \$58,000.00.





**ACTION:** A motion was made by Councilwoman Personti to allow Town Manager John Giles to move forward without a bid process and to allow the Engineering Firm, McCormick and Taylor to be contracted for the Technical Portion of the project. The motion was seconded by Councilman Jaremchuk.

**VOTE:** 6-0 with 1 Absent Motion carried

9. He is also looking into another grant that allows for a Global Positioning System (GPS). This is a 50/50 match grant that can help us with our requirements for our MS4 permit. The grant minimum is \$25,000.00 up to a maximum \$150,000.00. The deadline to submit this grant is also August 28, 2014.
10. The New Castle Conservation District is initiating a project for the clean-up of Derrickson Run Creek, between Olga Road and Rigdon Road. He stated there will be a meeting held at Town Hall on Wednesday, August 20, 2014 at 5pm. He stated that County Councilman Joe Reda is funding the clean-up. Councilwoman Personti stated that when County Councilman Joe Reda came to announce the cleaning of Derrickson Run Creek, she questioned a project 2 years ago; we were told that it was the home owner's responsibility which is why the county refused to clean Chestnut Run. She stated that County Councilman Joe Reda stated that this is the last project the County will be doing and all clean-up will be on the homeowner. Town Manager John Giles stated that this is a county funded project. At this time there was a lengthy discussion regarding the County and the Clean-up project with the Conservation District.
11. Town Manager John Giles stated that the Pension Committee Meeting will be held on September 3, 2014 located at Town Hall.
12. There is a Delmarva Power Project located in Vilone Village. They are doing an improvement project which has them taking the primary lines in the area behind the homes and moving them to the street. They stated that this should improve the number of outages in the area.
13. In the 3rd and 4th Council Districts Delmarva Power will be replacing the gas lines on certain streets. The project was projected to start in July; however, they will not start until they have met with the Town. Councilman McKewen asked if they damage the sidewalks are they responsible for replacing what they damaged. Town Manager John Giles stated that they will take responsibility for replacing what was damaged by Delmarva Power.
14. The New Castle Conservation District has been in contact with him regarding the 1200 block of Sycamore Avenue where the flooding occurs. At this time there was some lengthy discussion regarding the repairs of Sycamore Ave to reduce the flooding situation.

15. Councilwoman Personti stated that there are repairs needed on Jefferson Avenue to the curb in the area of the catch basin, the road is becoming compromised due to the situation. Vandemark & Lynch has assessed the area and stated that the Town would need a concrete contractor to re-pour the hood of the catch basin. She stated the cost would be in the \$7000.00 - \$9,000.00 range.

**ACTION:** A motion was made by Councilwoman Personti to authorize the expenditure of up to and not exceed \$10,000.00 from the Long Term Planning Infrastructure Maintenance Account for the repairs of Jefferson Avenue as stated. The motion was seconded by Councilman Jaremchuk.

**VOTE:**           6-0 with 1 Absent                           Motion carried

#### **ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

**District 1** – Councilman Jaremchuk stated that the Town of Elsmere Real Estate Holding Company is up and running and that he and Councilman McKewen had attended the last sheriff sale intending to bid on a property in Canby Park. However, it sold for higher than the \$15,000.00 they were willing to bid. Other properties that were located on Filbert and Birch Avenues were sold for a much higher price than the Company wanted to spend. He stated that they will be attending the sheriff sale next month.

**District 2** – None

**District 3** – None

**District 4** – None

**District 5** – Councilwoman Personti presented Chief Laura Giles with a piece of mail she received which contained the Chief's name and made it appear as if the Chief supported the mailing. A discussion took place concerning the Chief's name being used without her permission.

**District 6** – None

**Mayor** – Mayor Burg stated that the Needy Family Fund Golf Tournament is coming up in the fall. He also stated that the Heroin Awareness Program was a big success. He spoke to Marie Allen with New Castle County who advised that this was the biggest crowd they have had and that there will be another presentation on August 22, 2014 at William Penn High School.

#### **PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilwoman Norkavage to adjourn. The motion was seconded by Councilwoman Personti.

**VOTE:**           6-0 with 1 Absent                   Motion carried

These minutes summarize the agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio recordings of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio recordings may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**STEVEN E. BURG**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**